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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,998	12/26/2001	Joseph Honein	IM 1725 CIP	2457

7590

08/28/2002

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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/035,998

Applicant(s)

HONEIN, JOSEPH

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 16 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Anguera.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anguera. To use woods having the claimed modulus of elasticity and fiber strength, would have been an obvious mechanical expedient, by the selection from known materials on the basis of their suitability for a particular use.

Claims 1-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen. To provide additional of his pins 5, as claimed, to enhance the securement of his wooden boards 1-4 together, to alternate the

grains of the boards, as claimed, as such is a conventional practice to enhance the integrity of the plank, to use only three boards, as set forth in claims 6 and 13, and make each of the claimed dimension, and thus the resulting plank of the claimed dimensions, would have been an obvious mechanical expedient, and to use woods having the claimed modulus of elasticity and fiber strength, would have been an obvious mechanical expedient, by the selection from known materials on the basis of their suitability for a particular use.

Claims 1-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen in view of Webster. Larsen shows the claimed plank with the exception of the claimed three pins. Webster shows the use of helical pins for compressively securing a plurality of boards. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Larsen with a plurality of pins as claimed to enhance the securement of his boards. Furthermore, To use three of such pins to further enhance the securement of his boards, and to alternate the grains of the boards, as claimed, as such is a conventional practice to enhance the integrity of the plank, to use only three boards, as set forth in claims 6 and 13 and make each of the claimed dimension, and thus the resulting plank of the claimed dimensions, would have been an obvious mechanical expedient, and

use woods having the claimed modulus of elasticity and fiber strength, would have been an obvious mechanical expedient, by the selection from known materials on the basis of their suitability for a particular use.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Larsen or Webster in view of Anguera. Both Larsen shows the claimed composite planks with the exception of the claimed pins. Anguera teaches the use of square cross-section pins for pinning composite boards. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide either Larsen or Webster with pins as claimed for compressively pinning their boards together. To use woods having the claimed modulus of elasticity and fiber strength, would have been an obvious mechanical expedient, by the selection from known materials on the basis of their suitability for a particular use.

Applicant's arguments filed 7.23.02 have been fully considered but they are not persuasive. With regards to Larsen, applicant stated that Larsen pins 5 do not hold the boards in compression, as set forth in claim 1, the examiner notes that Larsen states that pins 5 binds the boards together, thus by binding the boards together the boards are held in compression. With regards to the use of providing additional pins, an ordinary skilled mechanic would know that if one pin is used to secure a structure together the use of more pins would enhance the securement of

the structure, and such teachings should not be taken out of the public domain as suggested by applicant. With regards to the alternating of the wood grains to enhance the structural integrity of the platform, applicant had previously agreed that such practice is conventional. Is applicant now stating that he had made a mistake and the alternating of wood grains his applicant's discovery? With regards to the boards having the claimed modulus of elasticity and fiber bending value, applicant in his specification stated that the boards are readily available boards and that one of the objects of his invention is ease and inexpensive manufacturing of his invention readily available resources. It is within the scope of a skilled mechanic to chose from readily available material for there know advantages. With regards to Larsen and Webster, the problem at hand to be resolved between the claimed invention and Larsen, is that compressively securing a plurality of board together with helical pins. Webster teaches the use of helical pins to compressively bind a plurality of boards together, thus Webster is an analogous art, and it is with the scope of one of ordinary skill in the art to appreciate the teachings from analogous arts to resolve the problem at hand, thus the combined teachings is proper.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is

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assigned are 703-305-3597 for regular communications and 703-305-3597 for
After Final communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is 703-
3008-1113.



Alvin C. Chin-Shue
Primary Examiner
Art Unit 3634

ACS
August 27, 2002